

Practitioner's Docket No. LUC-012**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Poopathy Kathirgamanathan et al.

Application No.: 10 / 537,315 Group No.: 1794Filed: June 2, 2005Examiner: Michael E. NelsonFor: Electroluminescent Materials and Devices☐ *Patent No.:

Issue Date:

Reexamination No.:

*NOTE: Preferably also insert inventor's name and invention title.

Mail Stop Amendment**Commissioner for Patents****P.O. Box 1450****Alexandria, VA 22313-1450****TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))****Identification of Person(s) Making This Disclaimer**I, David Silverstein

(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

☐ an inventor (applicant) of this invention.☐ an assignee of this invention.**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10***(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450**37 C.F.R. § 1.8(a)****37 C.F.R. § 1.10 ***☒ with sufficient postage as first class mail.☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION☐ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Signature

Leslie R. Silverstein

(type or print name of person certifying)

Date: February 28, 2009

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Terminal Disclaimer to Obviate a Double Patenting Rejection [9-4]—page 1 of 5)

03/03/2009 CCHAU1 00000019 10537315

140.00 DP
03 FC:1814

WARNING: "If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56, § 1490, M.P.E.P., 7th Edition.

☐ a representative authorized to sign on behalf of the assignee identified below.

☐ A statement under 37 C.F.R. § 3.73(b) is attached.

WARNING: See the above "WARNING."

☒ the attorney of record for this invention.

WARNING: Assignee data must be shown even if attorney signs.

NOTE: The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56. See also § 1490, M.P.E.P., 7th Edition.

IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT

(if applicable)

The assignee is

Name of assignee Merck Patent GMBH

Address of assignee Frankfurter Strasse 250

Darmstadt, Germany 64293

Title of disclaimant authorized to sign on behalf of assignee _____

Attorney of record

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is:

☒ the whole of this invention.

☐ a sectional interest in this invention, as follows:

NOTE: Disclaimers from the whole interest must be filed.

(state the exact interest of the disclaimant)

The disclaimant(s) is/are:

☐ the applicant(s)

☒ the assignee(s)

- based on the Assignment document recorded in the USPTO
on September 15, 2008 at Reel/Frame 021523/0912

RECORDAL OF ASSIGNMENT IN PTO*(if applicable)*

☒ The assignment was recorded on September 15, 2008

Reel 021523

Frame 0912

☐ Authorization for recordal of the assignment is separately filed.

☐ A copy of the ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or
☐ FORM PTO 1595 separately filed is attached.

ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION*(if applicable)*

☐ Attached is a STATEMENT UNDER 37 C.F.R. § 3.73(b) establishing the right of the assignee to take action in this case.

NOTE: Insert the appropriate page 3.

DISCLAIMER
(Obviousness-Type Double Patenting Rejection Over A Prior Patent)

Petitioner(s) hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 7,211,334 as presently shortened by any terminal disclaimer. Petitioner(s) hereby agree(s) that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No.: 7,211,334, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

NOTE: A terminal disclaimer filed to obviate a nonstatutory double patenting rejection based on a non-commonly owned patent or application disqualified under 35 U.S.C. 103(c) as a result of activities undertaken within the scope of a joint research agreement must comply with 37 CFR 1.321(d), which sets forth signature, waiver rights and enforceability requirements.

Check if applicable.

- ☐ The owner of the instant application waives the right to separately enforce and the right to separately license the prior patent and any patent granted on the instant application. The owner of the instant application hereby agrees that the prior patent and any patent granted on the instant application shall be enforceable only for and during such period that the prior patent and any patent granted on the instant application are not separately enforced and are not separately licensed. The waiver, and this agreement, run with any patent granted on the instant application and are binding upon the owner of the instant application, its successors, or assigns.

DISCLAIMER FEE (37 C.F.R. § 1.20(d))

☒ Other than a small entity — fee ~~\$130.00~~ 140.00

☐ Small entity — fee \$65.00

☐ Small entity statement attached

☐ Small entity statement already filed

☐ in patent application _____ / _____
 on _____ (Date)

FEE PAYMENT

- ☐ Fee already paid.
- ☒ Attached is a ☒ check ☐ money order that includes payment of the \$140.00 fee
in the amount of \$
- ☒ Authorization is hereby made to charge the amount of \$ any fee deficiency
☒ to Deposit Account No. 50-1139
- ☐ to Credit card as shown on the attached credit card information authorization
form PTO-2038.
- WARNING:** Credit card information should *not* be included on this form as it may become public.
- ☒ Charge any additional fees required by this paper or credit any overpayment in the
manner authorized above.
- ☐ A duplicate of this paper is attached.

Date: February 28, 2009

Reg. No.: 26,336

Customer No.:

Signature of disclaimant

David Silverstein

SIGNATURE OF PRACTITIONER OF RECORD

David Silverstein

(type or print name of practitioner)

Andover-IP-Law

P.O. Address

44 Park Street, Suite 300

Andover, MA 01810

TO: MILLS & ONELLO, LLP COMPANY: 11 BEACON STREET

**UNITED STATES PATENT AND TRADEMARK OFFICE**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

500647382

SEPTEMBER 15, 2008

PTAS

MILLS & ONELLO, LLP
11 BEACON STREET
SUITE 605
BOSTON, MA 02108

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 09/15/2008

REEL/FRAME: 021523/0912
NUMBER OF PAGES: 4BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: SVS-0001ASSIGNOR:
OLED-T LIMITED

DOC DATE: 08/27/2008

ASSIGNEE:
MERCK PATENT GMBH
FRANKFURTER STRASSE 250
DARMSTADT, GERMANY 64293SERIAL NUMBER: 11796256
PATENT NUMBER:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICESFILING DATE: 04/27/2007
ISSUE DATE:SERIAL NUMBER: 10494120
PATENT NUMBER:
TITLE: DOCUMENT AUTHENTICATIONFILING DATE: 06/07/2004
ISSUE DATE:

TO:MILLS & ONELLO, LLP COMPANY:11 BEACON STREET

021523/0912 PAGE 2

SERIAL NUMBER: 11732313
PATENT NUMBER:
TITLE: DOPED LITHIUM QUINOLATE

FILING DATE: 04/03/2007
ISSUE DATE:

SERIAL NUMBER: 10503835
PATENT NUMBER:
TITLE: METHOD FOR FORMING ELECTROLUMINESCENT DEVICES

FILING DATE: 08/06/2004
ISSUE DATE:

SERIAL NUMBER: 12084280
PATENT NUMBER:
TITLE: ELECTROLUMINESCENT DEVICES

FILING DATE:
ISSUE DATE:

SERIAL NUMBER: 10540809
PATENT NUMBER:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

FILING DATE: 07/27/2005
ISSUE DATE:

SERIAL NUMBER: 11792167
PATENT NUMBER:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

FILING DATE: 06/25/2007
ISSUE DATE:

SERIAL NUMBER: 11792160
PATENT NUMBER:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

FILING DATE: 06/25/2007
ISSUE DATE:

SERIAL NUMBER: 10540733
PATENT NUMBER:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

FILING DATE: 07/27/2005
ISSUE DATE:

SERIAL NUMBER: 11667085
PATENT NUMBER:
TITLE: ELECTROLUMINESCENT COMPLEXES

FILING DATE: 06/25/2007
ISSUE DATE:

SERIAL NUMBER: 10537315	FILING DATE: 08/22/2005
PATENT NUMBER:	ISSUE DATE:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES	

SERIAL NUMBER: 10540732
PATENT NUMBER:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

FILING DATE: 07/25/2005
ISSUE DATE:

SERIAL NUMBER: 10549430
PATENT NUMBER:
TITLE: ELECTROLUMINESCENT BORON COMPLEXES

FILING DATE: 09/15/2005
ISSUE DATE:

SERIAL NUMBER: 11664851
PATENT NUMBER:
TITLE: ELECTROLUMINESCENT DEVICES

FILING DATE:
ISSUE DATE:

SERIAL NUMBER: 10589183
PATENT NUMBER:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

FILING DATE:
ISSUE DATE:

TO:MILLS & ONELLO, LLP COMPANY:11 BEACON STREET

021523/0912 PAGE 3

SERIAL NUMBER: 11629566 FILING DATE: 12/14/2006
PATENT NUMBER: ISSUE DATE:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

SERIAL NUMBER: 11630765 FILING DATE: 12/22/2006
PATENT NUMBER: ISSUE DATE:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

SERIAL NUMBER: 11659381 FILING DATE: 03/28/2007
PATENT NUMBER: ISSUE DATE:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

SERIAL NUMBER: 11659919 FILING DATE: 02/10/2007
PATENT NUMBER: ISSUE DATE:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

SERIAL NUMBER: 11660626 FILING DATE: 03/27/2007
PATENT NUMBER: ISSUE DATE:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

SERIAL NUMBER: 11661074 FILING DATE: 03/23/2007
PATENT NUMBER: ISSUE DATE:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

SERIAL NUMBER: 11666766 FILING DATE: 06/25/2007
PATENT NUMBER: ISSUE DATE:
TITLE: BUFFER LAYER

SERIAL NUMBER: 11795007 FILING DATE: 07/10/2007
PATENT NUMBER: ISSUE DATE:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

SERIAL NUMBER: 11884323 FILING DATE: 08/14/2007
PATENT NUMBER: ISSUE DATE:
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

SERIAL NUMBER: 10475627 FILING DATE: 01/16/2004
PATENT NUMBER: 7235311 ISSUE DATE: 06/26/2007
TITLE: ELECTROLUMINESCENT DEVICES INCORPORATING MIXED METAL ORGANIC COMPLEXES

SERIAL NUMBER: 10480871 FILING DATE: 01/30/2004
PATENT NUMBER: 7354661 ISSUE DATE: 04/08/2008
TITLE: ELECTROLUMINESCENT DEVICES

SERIAL NUMBER: 10483137 FILING DATE: 03/05/2004
PATENT NUMBER: 7211334 ISSUE DATE: 05/01/2007
TITLE: ELECTROLUMINESCENT MATERIALS AND DEVICES

SERIAL NUMBER: 10485781 FILING DATE: 04/19/2004
PATENT NUMBER: 7303824 ISSUE DATE: 12/04/2007
TITLE: ELECTROLUMINESCENT DEVICE

TO:MILLS & ONELLO, LLP COMPANY:11 BEACON STREET

021523/0912 PAGE 4

ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

PATENT ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

09/15/2008
500647382

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
CONVEYING PARTY DATA	
Name	Execution Date
OLED-T Limited	08/27/2008
RECEIVING PARTY DATA	
Name:	Merck Patent GmbH
Street Address:	Frankfurter Strasse 250
City:	Darmstadt
State/Country:	GERMANY
Postal Code:	64293
PROPERTY NUMBERS Total: 28	
Property Type	Number
Patent Number:	7235311
Patent Number:	7354661
Patent Number:	7211334
Application Number:	11796256
Patent Number:	7303824
Application Number:	10494120
Application Number:	11732313
Application Number:	10503835
Application Number:	12084280
Application Number:	10540809
Application Number:	11792167
Application Number:	11792160
Application Number:	10540733
Application Number:	11667085
Application Number:	10537315

OP \$1120.00 7235311

TO:MILLS & ONELLO, LLP COMPANY:11 BEACON STREET

Application Number:	10540732
Application Number:	10549430
Application Number:	11664851
Application Number:	10589183
Application Number:	11629566
Application Number:	11630765
Application Number:	11659381
Application Number:	11659919
Application Number:	11660626
Application Number:	11661074
Application Number:	11666766
Application Number:	11795007
Application Number:	11884323

CORRESPONDENCE DATA

Fax Number: (617)742-7774

Correspondence will be sent via US Mail when the fax attempt is unsuccessful.

Phone: 617-994-4900

Email: mail@millsonello.com

Correspondent Name: MILLS & ONELLO, LLP

Address Line 1: 11 Beacon Street

Address Line 2: Suite 605

Address Line 4: Boston, MASSACHUSETTS 02108

ATTORNEY DOCKET NUMBER:

SVS-0001

NAME OF SUBMITTER:

Anthony P. Onello, Jr.

Total Attachments: 2

source=assignment2#page1.tif

source=assignment2#page2.tif